

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CT-3170-BO

FILED

AUG 19 2011

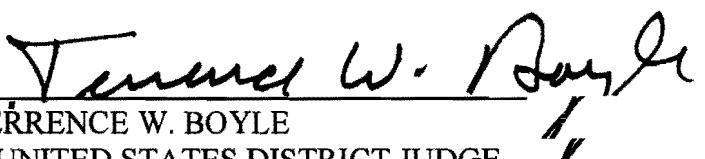
DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY ST DEP CLK

TERRY JOEL BURGESS,)
Plaintiff,)
)
)
v.)
)
)
BRUCE KELLY HAMM, et al.,)
Defendants.)

ORDER

Terry Joel Burgess ("Burgess"), an inmate within the custody of North Carolina, filed this 42 U.S.C. § 1983 action. On February 4, 2011, the court entered an order which held that plaintiff had failed to allege a constitutional violation and his claim and complaint were dismissed as frivolous (D.E. #7). Thereafter, on March 25, 2011, plaintiff filed a motion to reconsider (D.E. # 9) and a Notice of Appeal (D.E. # 10). The Fourth Circuit entered order which dismissed the appeal (D.E. # 14) and denied the petition for rehearing and rehearing en banc (D.E. # 17). Having dismissed the appeal, the motion for reconsideration is DENIED as MOOT.

SO ORDERED, this the 19 day of August 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE